

Municipal Law News

Foster Swift Administrative & Municipal Group

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michigan municipal league
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Social Media Webinar Wrap-Up

On August 16, 2011, Foster Swift's Melissa Jackson and Sam Frederick presented a free webinar on Social Media & Municipalities, and the issues that social media presents for municipalities. They covered the basics of social media, the options for municipalities to address social media use by public employees, and related legal matters associated with those topics. We greatly appreciate the huge turnout of registrants. The issues that social media presents are clearly a challenge for municipalities. For anyone interested in the webinar presentation, a full audio and video version of the webinar is available at the following link:

- www.fosterswift.com/news-events-Social-Media-Policies-Municipalities.html

During the webinar, we received several interesting questions – some of which we answered during the webinar and others we reluctantly could not answer due to time constraints. Yet for the benefit of all of our readers, below we list one intriguing question that involves the intersection of social media pages and municipal websites, and offer our response.

QUESTION

Is Social Media a viable substitute for a municipality having an official website?

ANSWER

Resolving this question is more a business or management decision than a legal question. There is, however, a legal implication in the question that we explore below.

Having a website allows the owner of the content – the municipality – to manage the content, enforce copyright protection, and prevent others from “copying and pasting” essential information. It also allows the municipality to guard the look and layout of the content. This may be essential in controlling the “official” site and preventing counterfeiters of a municipality's content.

On the flip side, when using social media sites, many times those sites use a “click license” that requires the content's owner to provide the social media site a perpetual non-exclusive license to use the municipality's content. Put simply, the social media sites get rights to your municipality's information – forever. If there is a problem with the site, the social media site can remove the content, depriving your municipality of its content. On the other hand, if a municipality had its own website, it would be the exclusive gate-keeper of its content.

If you have any further questions about the intersection of social media and public employment, please feel free to contact [Melissa Jackson](mailto:mjackson@fosterswift.com) (mjackson@fosterswift.com) or [Sam Frederick](mailto:sfrederick@fosterswift.com) (sfrederick@fosterswift.com).

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Medical Marihuana Update

In case you missed it, the Court of Appeals recently ruled that the Michigan Medical Marihuana Act does not allow the sale of marihuana. A link to the e-blast we sent out summarizing that decision can be found at: www.fosterswift.com/news-publications-Michigan-Marihuana-Dispensaries-Patient-to-Patient-Sales.html

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News & Upcoming Events

- An ordinance for Riga Township regarding wind energy systems, written by Foster Swift's Michael Homier, has been posted to the State's Energy Office as a recommended example of wind policy for local governments.

www.michigan.gov/mdcd/0,1607,7-122-25676_25774-49745--,00.html#Zoning_Guidelines.

- **UPCOMING WEBINAR:**

Topic: Open Meetings Act

Date/Time: TBD

Scheduled Presenters: Ronald Richards & Anne Seuryneck

Stay tuned for more details!

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